

## **REMARKS**

The following amendments and remarks are prepared in response to the final Office Action of June 21, 2005. Applicant submits herewith a request for continued examination. Claims 2-17 and 19-28 remain pending in this application, after entry of this amendment. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

### **Rejection of Claims 2, 16, 18, 26 and 27 Under 35 U.S.C. § 103(a)**

Claims 2, 16, 18, 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flom et al.* (U.S. Patent No. 4,641,349, hereinafter *Flom*) in view of *Hong et al.* (U.S. Patent No. 6,633,655, hereinafter *Hong*). Claim 18 has been canceled without prejudice.

The rejection of claims 2, 16, 26 and 27 should be withdrawn as *Flom* in view of *Hong* fail to teach or suggest all the recitations of these claims and therefore do not render obvious claims 2, 16, 26 and 27.

Focusing now on the specific recitations of claims 2, 16, 26 and 27 and the inadequacies of *Flom* in view of *Hong*, claims 2, 16, 26 and 27 recite that the guide image is displayed at a fixed position on a display and showing an outline of the body part in proper position. First, a guide image (e.g., an outline of an iris or a fingerprint) is displayed at a fixed position on a display. For example, outline data for a body part (e.g., an iris or a fingerprint) is read from a reference and the outline is displayed as a red line drawing (guide image) (see page 18, lines 22-27). Second, an object image of a body part, such as an iris or a fingerprint, of a person is obtained without physical contact. Third, a position and a distance of the body part is adjusted, without touching the display, so that the object image obtained matches the guide image, and the object image is input when the guide image and the object image match (e.g., by a capture instruction). The guide image is displayed for guiding the person being tested so that the object

image is in the proper position in terms of the guide image. Hence, the object image is correctly and efficiently input.

On pages 7 and 8, the Examiner acknowledges that *Flom* fails to expressly disclose that the guide image is displayed at a fixed position on a display. In contrast, *Flom* discloses a technique for judging if a position of an obtained iris image matches a pupil (similar to the scanning means as recited in the claims) provided at a predetermined position, altering the pupil if the iris does not match, and re-obtaining the iris image (see FIG. 4 and related description in *Flom*). In *Flom*, the eye is first illuminated until the pupil reaches a predetermined size, at which an image of the iris and the pupil is obtained. Hence, the pupil is not displayed at a fixed position. Furthermore, *Flom* displays an image of the captured object (i.e., iris 30) (see FIG. 9) not a guide image as recited by the claims. Thus, *Flom* never uses a guide image for guiding the person being tested so that the object image is in the proper position in terms of the guide image. Hence, *Flom* does not disclose, teach or suggest the guide image is displayed at a fixed position on a display.

Furthermore, combining *Hong* with *Flom* does not disclose, teach or suggest that the guide image shows an outline of the body part in proper position as recited in claims 2, 16, 26 and 27. Applicant contends that *Hong* does not recite these features and directs the Examiner to the graphical guide 16 shown in figure 5 and described at col. 2, lns. 37-42 of *Hong*. In this paragraph, *Hong* states that the observer views his own image on the display 7 together with the border image which is of the required template size. The observer aligns the midpoint between his eyes with the middle line of the graphical guide 16 and then activates the system to capture the template, for instance by pressing a mouse button or a keyboard key. As shown in figure 5, the graphical guide 16 is a rectangle with a vertical middle line that requires the observer to align

the midpoint between his eyes with the vertical middle line. From only a visual inspection, it is difficult for the observer to identify the midpoint between his eyes with high accuracy. Hence, the *Hong* system does not provide a very accurate alignment in the horizontal direction and provides no alignment in the vertical direction.

The graphical guide 16 in *Hong* is not an outline of the body part in proper position as recited in claims 2, 16, 26 and 27. Showing an outline of the body part in proper position enables the position adjustment of the object image to be performed accurately in both the horizontal and vertical directions. Also, the amount of data needed to be captured for an outline of the body part is much less than for the entire rectangular box. This speeds up the performance of the position adjustment. Hence, the invention as recited in the claims achieves both a high-speed position adjustment and a highly accurate identity verification. The deficiency of *Flom* is not cured by *Hong*. Therefore, neither *Flom* nor *Hong*, solely or in combination, disclose, teach or suggest that “the guide image is displayed at a fixed position on a display and showing an outline of the body part in proper position.” For at least the reasons discussed above, Applicant submits that claims 2, 16, 26 and 27 are patentably distinct over the combination of *Flom* and *Hong* and the rejection under 35 U.S.C. § 103(a) should be withdrawn.

**Rejection of Claims 3-15, 17, 19-25 and 28 Under 35 U.S.C. § 103(a)**

Claims 3-15 and 19-25, 17 and 28 depend from independent claims 2, 16 and 27, respectively, adding structural features that more particularly define the invention and further distinguish over the cited references and the prior art of record. For these reasons, and for the reasons set forth above for claims 2, 16 and 27, the rejections of these dependent claims under 35 U.S.C. § 103(a) are improper and should be withdrawn.

**Conclusion**

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. Authorization is hereby given to charge our Deposit Account No. 19-2814 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

Very truly yours,

**SNELL & WILMER L.L.P.**



Ketan S. Vakil  
Registration. No. 43,215  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7689  
Telephone: (714) 427-7405  
Facsimile: (714) 427-7799

I hereby certify that this document is being deposited on September 21, 2005 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

By: Tanya Kiatkulpiboonne

  
Signature

Dated: September 21, 2005